

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	
	)	Case No. 1:21-cr-20
v.	)	
	)	Judge Travis R. McDonough
WILLIAM BIRKHEAD	)	
	)	Magistrate Judge Christopher H. Steger
	)	

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**ORDER**

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U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 195] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count Eleven of the fifteen count Second Superseding Indictment; (2) accept Defendant's guilty plea to Count Eleven of the fifteen count Second Superseding Indictment; (3) adjudicate Defendant guilty of possession with intent to distribute a mixture and substance containing a detectable amount of heroin in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C); and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 195] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count Eleven of the fifteen count Second Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Eleven of the fifteen count Second Superseding Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of possession with intent to distribute a mixture and substance containing a detectable amount of heroin in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C); and
4. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **January 28, 2022, at 9:00 a.m.**

**SO ORDERED.**

/s/Travis R. McDonough  
**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**